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PLAINTIFFS

ASHLAND OIL COMPANY

DEFENDANTS

H. A. CHAPMAN; R. J. STILLINGS,
D/B/A GASTILL COMPANY; FRANK O.
BENNETT; DONALD H. CANFIELD; CAP
OIL COMPANY, A PARTNERSHIP; RALPH
L. ABERCROMBIE; AND CHESTER H.
WESTFALL, JR.

CAUSE

Title 28, U. S. C. §1441
Suit for declaratory judgement to declare contractual rights.

ATTORNEYS

J. Kevin Hayes

Fred S. Nelson

- 1) C. Harold Thweatt of Crowe, Dunlevy,
Thweatt, Swinford, Johnson & Burdick
1700 Liberty Tower
100 Broadway
Oklahoma City, Oklahoma 73102
(405)232-0661 and
- 2) G. Ellis Gable of Gable, Gotwals, Rubin,
Fox & Baker (Richard W. Gable)
2010 Fourth National Bank Building
Tulsa, Oklahoma 74119
918-582-9201

James C. T. Hardwick (Chapman, Bennett,
4100 Bank of OK TowerCap Oil, Aber-
One Williams Center crombie, Westfall,
Tulsa, OK 74103 (588-2700)

Joel Wohlgemuth
Robert S. Rizley (Stillings, Canfield)
1100 Philtower Bldg.
Tulsa, Okla. 74103 583-7571

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IF CASE WAS
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DATE

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STATISTICAL CARDS

CARD DATE MAILED

JS-5

4-1-75

JS-6

7-1-77

DATE	NR.	PROCEEDINGS
3-25-75	1.	Complaint filed. mm Summons Issued.
4-10-75		Summons, ret. & filed: served Frank O. Bennett, 4-2-75; Chester H. Westfall, Jr., 4-7-75; Donald H. Canfield, 4-7-75, and R. J. Stillings d/b/a Gastill Co., 4-9-75, all at Tulsa, Ok. (USM \$16.32)g
4-17-75	2.	Appearance by atty. for defs., Chapman, Bennett, Cap Oil, Abercrombie, & Westfall, and mo/ext. of time to plead or ans., filed. rm
4-17-75	3.	Order, filed, granting said defs., Chapman, Bennett, Cap Oil, Abercrombie and Westfall, to 5/1/75 to plead or ans.(JCS-Clk)rm-copies mailed by counsel
5-1-75	4.	Answer and Counterclaim of H.A. Chapman, Frank O. Bennett, Cap Oil Co., Ralph L. Abercrombie and Chester H. Westfall, Jr., Defts. <u>JURY TRIAL REQUESTED.</u> V
5-2-75	5.	Applic. and order for ext. of time to plead or ans., extending time for defts. R. J. Stillings, etc. & Donald H. Canfield until 5-17-75. (JCS-Clk)hm (copies mailed)
5-16-75	6.	Answer & Counterclaim of R.J. Stillings, d/b/a Gastill Company and Donald H. Canfield, Defts. Jury Trial Requested. b
5-21-75	7.	Reply of Plaintiff, Ashland Oil, Inc., to the Counterclaim of Defendants, R. J. Stillings, D/B/A Gastill Company and Donald H. Canfield, filed. mm
5-21-75	8.	Reply of Plaintiff, Ashland Oil Co., Inc., to the Counterclaim of Defts. H. A. Chapman, Frank O. Bennett, Cap Oil Company, Ralph L. Abercrombie and Chester H. Westfall, Jr., filed. 1m
6-25-75	MO	Parties are directed to hold PT conf. on or before 8-6-75 & file PT Order on or before 8-13-75. (AEB-J)k cps by cert mail
7-25-75	9	Pltf's mot. for S/J, filed.k
7-25-75	10	Pltf's brief in support of mot. for S/J, filed.k
7-25-75	MO	It is ordered by the Court that defts. are granted 10 days to respond to pltf's mot. for S/J. (AEB-J)k cps mld
7-28-75	11	Defts' appl. for 30 days to hold pre-trial conf., filed.k
7-30-75	12	Order, filed, granting defts. until 9-5-75 to hold pretrial conf.; pretrial order to be filed by 9-10-75. (AEB-J)g
8-5-75	13.	Brief in opposition of Plaintiff's motion for Summary Judgment, filed.b
8-11-75	14.	Defendants, R. J. Stillings, d/b/a Gastill Company, & Donald H. Canfield Brief in Opposition of Plaintiff's Motion for Summary Judgment, filed. mm
8-25-75	MO	Case referred to Mag. Bradford re pending mots. for F&R. (AEB-J)k
9-2-75	15	Deft's request for production of documents, filed. g
9-12-75	16	Deft's proposed Pre-Trial Order, filed. 1m
9-12-75	17.	Pltf's Proposed Pre-Trial Order, filed. 1m
10-22-75		Case called for hearing before Magistrate on Pltf's motion for summary judgment. Parties present. Pltf's motion denied. Deft. co. F. Nelson to prepare F&R & Order in 5 days.(MLB-Mag)b

Continued

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO. _____
			PAGE ____ OF ____ PAGES
DATE	NR.	PROCEEDINGS	
11-10-75	18.	Finding & Recommendations of Magistrate, filed. (MLB-Mag) cps mld	
11-26	19.	Order, filed, that Pltf's motion for S/J is hereby denied. (AEB-J)b cps mld	
1-27	MO:	Case set for JURY TRIAL on 2-23-76 at 10:00 a.m. (AEB-J)v -ntc mld.	
2-9-	MO:	Case stricken from Jury docket on 2-23-76. (AEB-J)b nts mld	
3-1	20.	Pltf's request for admissions, filed. ph	
3-1	21.	Renewed motion of pltf. for S/J, filed. g	
3-1	22	Brief in support of renewed mot. for S/J, filed. g	
3-1	MO	Ordered by Ct. that defts. are granted 10 days to respond to pltf's renewed mot. for S/J. (AEB-J)g	
3-12	23	Appl. of defts. for ext. of time to answer pltf's brief in support of renewed mot. for S/J, filed. g	
3-15	24.	Order, filed, granting Defts. until 3-22-76 to ans. Pltf.'s brief in support of its renewed mot. for summary judgment. (AEB-J)v -cps. mld.	
3-22	25	Brf. in opposition to Ashland's Renewed Mot. for Summary Judg., filed. t	
3-22	26	Defts' Response to Pltf's Request for Admissions, filed. t	
3-22	27	Request for Admissions	
3-22	28	Brf. in opposition to Ashland's Renewed Mot. for Summary Judg., filed. t	
3-23	29.	Defts' Stillings and Canfield's response to Pltf's request for admissions, filed. ph	
3-31	MO:	Case set for jury trial on 5-26-76, at 10:00 A.M. (AEB-J)b nts mld w/affid.	
4-1	30	Reply of Ashland Oil, Inc. to briefs in opposition to Ashland's renewed mot. for S/J, filed. g	
4-16	MO	Case set for hrg. on pltf's renewed mot. for S/J before Mag. on 5-12- 76 at 10:30 a.m. (MLB-Mag)k ntc by KT	
4-30	30	Depo of Cecil Johnson, taken on behalf of the Pltf., before the Gail Morris LSR Cost charged to Pltf. \$186.87. filed.	
5-7	31.	Addendum to Pltf's renewed Motion for Summary Judgment, filed. b copy mld B	
5-10	---	Deposition of Donald H. Canfield, taken on behalf of Pltf., before Gail Morris, LSR, w/costs of \$113.25 charged to Pltf. v	
5-12	32.	Deft. H. A. Chapman's Addendum to Brf. in Opposition to Ashland's Renewed Motion for S/J., filed. t	
5-13	33	Chapman, Bennett Cap Oil Co. Abercrombie & Westfall's Motion for Order compelling the production of Documents & things for inspection copying, & photographing, filed. t	
5-13	34	Brf. in support of Mot. filed. t	
5-13	MO	It is ordered by the Court that Pltf. is granted 10 days from this date to respond to respond to Defts' Chapman, Bennett Cap Oil Co. Abercrombie & Westfall's Motion for order compelling the production of Documents and things for inspection, copying & photographing. (AEB-J) t cps. mld.	
5-13	MO	Case called for hrg. on pltf's renewed mot. for S/J. Parties present. Mag. finds mot. should be denied. Deft. counsel to prepare F&R and proposed Order w/in 5 days. (MLB-Mag)k	

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO. _____
			PAGE ____ OF ____ PAGES
DATE	NR.	PROCEEDINGS	
5-18	35	Application of Defts H. A. Chapman, Frank O. Bennett, CAP Oil Co. Ralph L. Abercrombie, & Chester H. Westfall, Jr. wo withdraw their Jury Demand, filed. O-J t	
5-18	36.	Findings and Recommendations of Magistrate, filed. (MLB-Mag)k cps mld	
5-19	37.	Pltf's response to mot. for Order compelling production of documents, filed.k	
5-19	38.	Pltf's motion to strike case from jury docket and to postpone trial of the case to the Court until after 7-15-76, filed.k	
5-19	39.	Order, filed, that Defts' <u>demand for jury trial</u> be & same is hereby <u>w/drawn</u> and case is <u>stricken from jury docket</u> of 5-26-76, to be <u>reset on next non-jury docket</u> . (AEB-J)b cps mld	
5-19	MO:	The Court has for consideration the Motion of Pltf. to strike the case from Jury docket & to postpone trial of the case, and being fully advised in the premises, finds: The the Court, this date did grant defendants' motion to strike. That plaintiff's motion is overruled, subject to being renewed if said case is set on a non-jury docket prior to July 1, 1976. (AEB-J)b ltr mld	
6-1	40	Order, filed, denying Pltf's. renewed motion for summary judgment. (AEB-J) s cps. mld.	
6-14	41.	Defts. Chapman, Bennett, Cap Oil Co., Abercrombie and Westfall's motion for preliminary injunction, filed.k	
6-14	42.	Brief in support of defts' mot. for preliminary injunction, filed.k O to J	
6-15	MO:	It is ordered by the Court that case is set for hearing on Defts' motion for preliminary injunction on June 17, 1976, at 10:00 A.M. (AEB-J)b nts by phone	
6-15	43.	Defts. H. A. Chapman, Frank O. Bennett, Cap Oil Company, Ralph L. Abercrombie and Chester H. Westfall, Jr.'s reply to Pltf's response to motion for order compelling the production of documents, filed.s	
6-17		Case called for hearing defts' motion for preliminary injunction. Parties represented. Both parties make statements. Pltf. renews motion to postpone trial proceedings until Ks. Corp. Comm. matter taken care of. Ct. allows. Ct. takes matter under advisement & will announce decision on 6-18-76. (AEB-J)b	
6-18	44.	Order Overruling Defts' Motion for preliminary injunction, filed. (AEB-J)b	
6-22	45.	Pltf's response to "Reply of defendants to pltf's response to motion for order compelling the production of documents," filed.s	
8-18	MO	Case set for hrg. before Mag. on pending mots. on 9-15-76 at 3:00 pm (MLB-Mag)k ntc by KT	
9-15	MO	Case called for hrg. before Mag. on pending mots. Pltf. not present nor represented. Deft. represented. Mag. recommends that defts' mot to compel be overruled as moot, material having been previously furnished to deft. Deft. to prepare F&R & proposed O. w/in 10 days. (MLB-Mag)k	

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF	DEFENDANT	DOCKET NO. <u>75-C-108-B</u>
ASHLAND OIL COMPANY	H. A. CHAPMAN, et al	PAGE <u>5</u> OF <u>3</u> PAGES

DATE	NR.	PROCEEDINGS
1976		
9-21	46.	Findings and Recommendations of Magistrate, filed. (MLB-Mag.)ph cps mld
10-1	47.	Order, filed, that the motion of defts. H. A. Chapman, Frank O. Bennett, Cap Oil Co., Ralph L. Abercrombie and Chester H. Westfall, Jr., for order compelling the production of documents and things for inspection, copying and photographing is denied.s (AEB-J) cps. mld.
10-26	MO:	Case set for Non-Jury on 11-29-76 at 10:00 a.m. (AEB-J)n nts by cert. ml w/affid.
11-24	MO:	Case stricken from non-jry dkt of 11-29-76, to be re-set.(AEB-J)b nts by phone
11-29		Deposition of Burt Ervin Hamric, Joseph M. O'Loughlin & Charles W. Snider, filed. nb
12-6	MO;	Case set for non-jury trial on 1-17-77, at 10:00 A.M.(AEB-J)b nts by cert ml w/affid.
1977		
1-17	Min:	Case called for non-jury trial. Parties not present nor represented. Court directs Clerk to call pltf. counsel regarding settlement of case. (AEB-J)k
3-18	MO:	Case set for non-jury trial on 4-18-77, at 10:00 A.M.(AEB-J)b nts mld cert.w/affid.
4-14	MO:	It is Ordered that this case be stricken from the April 18, 1977 non-jury docket to be reset on the next non-jury docket.(AEB-J)b ltr mld
4-18	MO:	Case set for non-jury trial on 5-16-77, at 10:00 A.M.(AEB-J)b nts cert ml w/affid.
5-12	MO	Case stricken from the non-jury docket for 5-16-77 pending settlement. Settlement papers to be filed within 3 weeks. (AEB-J)k cps mld
6-23	48.	Stipulation for dismissal with prejudice, filed.k O to J
6-24	49.	Order, filed & entered, that the cause of action and complaint are dismissed with prejudice. (AEB-J)k cps mld

PLAINTIFF		DEFENDANT	DOCKET NO. _____ PAGE ____ OF ____ PAGES
DATE	NR.	PROCEEDINGS	

PAGE _____ OF _____ PAGES